IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16146 of 2006

DATED: 17.1.2007

Between:
P.Seetha Rama Murthy petitioner

And

The Transmission Corporation of A.P. Ltd
Rep by its Managing Director, Vidyut Soudha
Hyderabad and ors REspondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16146 OF 2006

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not considering the case of the petitioner for appointment to the post of Junior Lineman in operation circle of Vizianagaram district in terms of notification dated 7.6.2006 without insisting on educational and age qualifications as illegal and arbitrary.

The petitioner claims that he is working as Junior Line Man on contract basis for the last about ten years without any break whatsoever. While so, the respondent issued a notification inviting application for filling 57 posts of Junior Linemen in Rural operation circle, Vizianagaram prescribing the qualification of ITI Electrical Trade and maximum age of 35 years. The petitioner does not possess the age and educational qualifications prescribed in the notification and seeks a direction to respondents to consider his case without insisting on age and educational qualification keeping in view the service rendered by him in the respondent corporation for the last about ten years.

The learned Standing Counsel for the respondents submitted that relaxation in age and educational qualifications cannot be granted as held by the apex Court in Civil Appeal No.3215 of 2002 and batch dated 18.04.2002.

Heard the learned counsel for petitioner and learned Standing

Counsel for respondent corporation.

The petitioner seeks relaxation of age and educational qualification on the ground that he is working in the respondent corporation as junior lineman for the last about ten years and gained required experience.

In Civil Appeal No.3215 of 2002 and batch dated 18.04.2002 the apex Court considered similar issue and disposed of the Civil Appeals with the following observations.

> "In our view, in the petitions before the High Court there was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.
>
> In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.
>
> However, considering the fact that the respondents/casual employees/employees of the contractor/junior linemen are in service for more than 15 years, we do not think that this would be a fit case for disturbing their appointments made in pursuance of the order passed by the High Court.
>
> Ordered accordingly. Appeals stand disposed of."

In view of the above judgment of the Apex Court, the relief of relaxation of age and educational qualification cannot be granted and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 17.1.2007
TVK

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